

REMARKS/ARGUMENTS

The present Response is being filed in reply to the Office Action dated March 29, 2006. Applicant requests a two-month extension of time to extend the period of response to and including August 29, 2006. Please charge any fees which may be due to Deposit Account No.10-0750/DEP5156SCIP2/DAL, but do not include any payment of issue fees.

By the present amendment, claims 1-26, 31-32, and 34-40 are canceled and claims 27-30 and 33 are amended. Claims 27-30, and 33 are pending in the application. No new matter has been added. The amendment/cancellation of claims should in no way be construed to be an acquiescence to any of the rejections. The amendment/cancellation of the claims is being made solely to expedite prosecution of the above-identified patent application. Applicants reserve the option to further prosecute the same or similar claims in the present or subsequent patent applications .

Rejection of Claims 1-8, 10, 22 and 23 Pursuant to 35 U.S.C. § 103(a)

The Office Action rejected claims 1-8, 10, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Sevrain (US Pat Pub 2003/0229348) in view of Jackowski et al (WO 00/22999, corresponding to U. S. Pat. 6,565,571).

By the present amendment, claims 1-8, 10, 22 and 23 have been canceled rendering moot the rejection of the claims under 35 U.S.C. § 103(a).

Rejection of Claims 12-20, 25 and 26 Pursuant to 35 U.S.C. § 103(a)

The Office Action rejected claims 12-20, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Sevrain (US Pat Pub 2003/0229348) in view of Jackowski et al (WO 00/22999, corresponding to U. S. Pat. 6,565,571) as applied to claims 1 and 22, and further in view of Wagner (US Pat 6,454,769).

By the present amendment, claims 12-20, 25 and 26 have been canceled rendering moot the rejection of the claims under 35 U.S.C. § 103(a).

Rejection of Claim 21 Pursuant to 35 U.S.C. § 103(a)

The Office Action rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Sevrain (US Pat Pub 2003/0229348) and Jackowski et al (WO 00/22999, corresponding to U. S. Pat. 6,565,571) as applied to claim 1, and further in view of LeHuec (US Pat 6,793,658).

By the present amendment, claim 21 has been canceled rendering moot the rejection of the claim under 35 U.S.C. § 103(a).

Rejection of Claims 27-38 Pursuant to 35 U.S.C. § 103(a)

The Office Action rejected claims 27-38 under 35 U.S.C. § 103(a) as being unpatentable over Sevrain (US Pat Pub 2003/0229348) in view of Wagner (US Pat 6,454,769). Applicants respectfully traverse the rejections based on the above amendments and following arguments.

By the present amendment, claim 27 has been amended to recite a bone fixation system comprising a bone fixation plate having a polyaxial bushing having a plurality of ridges formed on a radially outer surface of the bushing and a generally smooth radially interior surface that defines a passage for receiving a bone anchor. Claim 27 has been amended to recite a bone anchor having a proximal head and a distal bone engaging portion, the proximal head having a generally smooth outer surface for mating with the generally smooth radially interior surface of the polyaxial bushing.

The prior art of record, including Sevrain and Wagner, fails to teach or suggest a bone fixation system comprising a bone fixation plate having a polyaxial bushing having a plurality of ridges formed on a radially outer surface of the bushing and a generally smooth radially interior surface that defines a passage for receiving a bone anchor and a bone anchor having a proximal head and a distal bone engaging portion, the proximal head having a generally smooth outer surface for mating with the generally smooth radially interior surface of the polyaxial bushing, as recited in amended claim 27.

For at least this reason, applicant requests the withdrawal of the rejection of independent claim 27, and claims 28-30 and 33 dependent thereon, under 35 U.S.C. § 103(a).

By the present amendment, claims 31, 32, and 34-38 have been canceled rendering moot the rejection of the claims under 35 U.S.C. § 103(a).

Rejection of Claims 39 and 40 Pursuant to 35 U.S.C. § 103(a)

The Office Action rejected claims 39 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Jackowski et al (WO 00/22999, corresponding to U. S. Pat. 6,565,571) in view of Wagner (US Pat 6,454,769).

By the present amendment, claims 39 and 40 have been canceled rendering moot the rejection of the claims under 35 U.S.C. § 103(a).

Conclusion

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the prosecution of the application, the Examiner is invited to call the undersigned at (508) 880-8488.

Respectfully submitted,

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